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8 Saticoy Bay LLC Series 7524 Midnight Rambler Street
9 and Defendant Midnight Rambler Trust

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 *****

13
14 THE BANK OF NEW YORK MELLON
15 FKA THE BANK OF NEW YORK AS
16 TRUSTEE FOR THE
17 CERTIFICATEHOLDERS OF CWABS,
INC., ASSET BACKED CERTIFICATES,
18 SERIES 2004-ABI,

19 Plaintiff,

20 vs.

21 TERRA BELLA OWNERS ASSOCIATION,
22 INC.; MIDNIGHT RAMBLER TRUST;
23 SATICOY BAY LLC, SERIES 7524
24 MIDNIGHT RAMBLER STREET; and
HAMPTON & HAMPTON
25 COLLECTIONS, LLC,

26 Defendants.

27 AND ALL RELATED COUNTERCLAIMS
28 AND CROSS CLAIMS

CASE NO.: 2:16-cv-00549-APG-NJK

**MOTION TO EXCUSE CHRISTOPHER
L. BENNER FROM ATTENDING THE
ENTIRETY OF THE SETTLEMENT
CONFERENCE**

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Pursuant to the court's order re: settlement conference, ECF No. 100, Defendants/counterclaimants, Saticoy Bay LLC Series 7524 Midnight Rambler Street, a Nevada limited liability company, and Midnight Rambler Trust, ("Midnight Entities") hereby respectfully request that Christopher L. Benner be excused from attending the entirety of the settlement conference currently scheduled for August 20, 2020, making a brief initial appearance and then being excused as the matter progresses.

MEMORANDUM OF POINTS AND AUTHORITIES

Roger P. Croteau, Esq., of ROGER P. CROTEAU & ASSOCIATES, LTD., and Christopher L. Benner, as an associate of ROGER P. CROTEAU & ASSOCIATES, LTD., are actively handling this matter for the Midnight Entities. Mr. Croteau plans to attend the settlement conference and is prepared in good faith to attend and negotiate a settlement without further assistance from Mr. Benner. Mr. Benner will be in the office, and intends to initially appear. However Mr. Benner seeks permission to be excused from continuous appearance to avoid duplicative fees for the Midnight Entities. Mr. Benner will be available to appear or otherwise assist as required, as Mr. Benner will be in the office at the time of the settlement conference. This request is made in compliance with this Court's August 14, 2020 order extending a one-time courtesy for counsel to seek to be excused: "[t]o the extent any attorney of record wishes to be excused, a proper request for that relief must be filed by noon on August 17, 2020." (ECF Document 100 at 2.).

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To the extent that Mr. Benner seeks to be excused from attendance from all stages of the settlement conference, while still being available to appear at a moment's notice, Mr. Benner makes this limited request. If denied, Mr. Benner will attend, but remain off-camera, and would only seek to supplement the settlement conference statement to state his email is chris@croteaulaw.com.

Dated this 17th day of August, 2020.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Christopher L. Benner

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Midnight Rambler Trust

IT IS SO ORDERED.

Dated: August 17, 2020



Nancy J. Koppe
United States Magistrate Judge